

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DATAART ENTERPRISES, INC.,

Index No.: 07 CIV 8209

Plaintiff,

-against-

NOTICE OF
DISCONTINUANCE

NETWORK PHYSICS, INC.

Defendant.
-----X

PLEASE TAKE NOTICE that this action is voluntarily discontinued by plaintiff

DataArt Enterprises, Inc.

Dated: New York, New York

October 22, 2007

LYNCH ROWIN LLP

By: 

Marc Rowin (MIR 6758)

630 Third Avenue

New York, New York 10017

(212) 682-4001

Attorneys for Plaintiff DataArt
Enterprises, Inc.

TO: Network Physics, Inc.

491 Fairchild Drive

Mt. View, California 94043

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DATAART ENTERPRISES, INC.,

Index No: 07 CIV 8209

Plaintiff,

-against-

AFFIDAVIT OF
SERVICE

NETWORK PHYSICS, INC.

Defendants.

-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

The UNDERSIGNED, who is not a party to this action/proceeding, being duly sworn, being over the age of 18 years and, having an address in care of Lynch Rowin LLP, 630 Third Avenue, New York, New York 10017, says:

On October 22, 2007, in the manner hereinafter described, true copy(ies) of the following paper(s) were served on respective party(s) at the address(es) hereinafter listed:

[x] By depositing same in an official depository of the U.S. Postal Service in New York City/State enclosed in postage-paid envelope/wrapper duly addressed and sealed.

DESCRIPTION OF PAPERS (and QUANTITY where more than one copy):

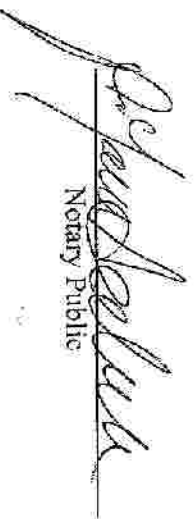
NOTICE OF DISCONTINUANCE

ATTORNEY(S)/PARTY(S) SERVED:

Network Physics, Inc.
491 Fairchild Drive
Mt. View, California 94043

Sworn to before me on the
22nd day of October, 2007

Notary Public



NADINE YAVRU-SAKUK,
Notary Public, State of New York
No. 021746154905
Qualified in Rockland County
Commission Expires October 23, 2012

Jennifer Escobar

